

**IN THE MICHIGAN COURT OF APPEALS**  
**ORDER**

Re: **Wilson Lee Anderson v Mitchell Cicurel**  
Docket No. **286398**  
L.C. No. **05-081478 NM**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal filed on July 7, 2008, and the claim of cross appeal are DISMISSED for lack of jurisdiction. A review of the docketing statement shows that the plaintiff is only appealing the February 19, 2008, order of a no cause of action that is final under MCR 7.202(6)(a)(i). The claim of appeal is untimely as to that order because it was not filed within 21 days of February 19, 2008, as required by MCR 7.204(A)(1)(a). Litigation over case evaluations sanctions does not toll the time period to file an appeal of the no cause of action. See *Baitinger v Brisson*, 230 Mich App 112 (1998). Further, MCR 7.203(A) states "an appeal from an order described in MCR 7.202(6)(a)(iii)-(v) is limited to the portion of the order with respect to which there is an appeal of right." Thus, if appellant were appealing the June 23, 2008, order that is final under MCR 7.202(6)(a)(iv), his appeal would be limited to challenging the case evaluation decision. The docketing statement that was filed in this case reflects no issues regarding case evaluation sanctions.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 13 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk